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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1315 Session of  
2021

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INTRODUCED BY DRISCOLL, SANCHEZ, HANBIDGE, McNEILL, FREEMAN,  
HOHENSTEIN, SCHWEYER, SCHLOSSBERG, CIRESI, NEILSON, GALLOWAY,  
MADDEN, ROZZI, WARREN AND ISAACSON, APRIL 30, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 30, 2021

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for serial numbers for homemade firearms  
4 and for the offense of possession of do-it-yourself  
5 semiautomatic weapons prohibited; and, in trade and commerce,  
6 providing for the offense of unlawful advertising of do-it-  
7 yourself semiautomatic weapons.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 18 of the Pennsylvania Consolidated  
11 Statutes is amended by adding sections to read:

12 § 6117.1. Serial numbers for homemade firearms.

13 (a) Manufacturing or assembly requirements.--Beginning July  
14 1, 2021, prior to the manufacture or assembly of a firearm in  
15 this Commonwealth, the following shall apply:

16 (1) A person manufacturing or assembling a firearm shall  
17 request a licensed dealer to issue a unique serial number or  
18 other identifying mark for the firearm describing the firearm  
19 involved and whether the firearm is or will be a handgun.

20 (2) Within 10 days of the manufacture or assembly of a

1 firearm in accordance with paragraph (1), the unique serial  
2 number or other mark of identification provided by the  
3 licensed dealer shall be engraved or permanently affixed to  
4 the firearm in a manner that meets or exceeds the  
5 requirements imposed on licensed importers and licensed  
6 manufacturers of firearms under 18 U.S.C. § 923(i) (relating  
7 to licensing).

8 (3) If the firearm is manufactured or assembled from  
9 polymer plastic, 3.7 ounces of material type 17-4 PH  
10 stainless steel shall be embedded within the plastic on  
11 fabrication or construction with the unique serial number  
12 engraved or otherwise permanently affixed in a manner that  
13 meets or exceeds the requirements imposed on licensed  
14 importers and licensed manufacturers of firearms under 18  
15 U.S.C. § 923(i).

16 (4) Within 48 hours after the serial number provided by  
17 the licensed dealer is engraved or otherwise permanently  
18 affixed to the firearm under paragraph (3), the person shall  
19 notify the licensed dealer that the requirement has been  
20 satisfied with sufficient information to identify the owner  
21 of the firearm, the unique serial number or mark of  
22 identification provided by the licensed dealer and the  
23 firearm.

24 (b) Additional requirements.--By January 1, 2022, any person  
25 who, as of July 1, 2021, owns a firearm that does not bear a  
26 serial number assigned to the firearm under this section or 18  
27 U.S.C. Ch. 44 (relating to firearms) shall:

28 (1) Apply to a licensed dealer for a unique serial  
29 number or other mark of identification.

30 (2) Within 10 days of receiving a unique serial number

1 or other mark of identification from the licensed dealer, the  
2 unique serial number or other mark of identification provided  
3 by the licensed dealer shall be engraved or permanently  
4 affixed to the firearm in a manner that meets or exceeds the  
5 requirements imposed on licensed importers and licensed  
6 manufacturers of firearms under 18 U.S.C. § 923(i).

7 (3) Within 48 hours after the serial number provided by  
8 the licensed dealer is engraved or otherwise permanently  
9 affixed to the firearm under paragraph (2), the person shall  
10 notify the licensed dealer of that fact with sufficient  
11 information to identify the owner of the firearm, the unique  
12 serial number or mark of identification provided by the  
13 licensed dealer and the firearm.

14 (c) New resident application for unique serial number.--A  
15 new resident to this Commonwealth shall apply for a unique  
16 serial number or other mark of identification under this section  
17 within 60 days of arrival for any firearm the resident wishes to  
18 possess in this Commonwealth that the resident previously  
19 manufactured or assembled or a firearm the resident owns that  
20 does not have a unique serial number or other mark of  
21 identification.

22 (d) Restriction on sale, transfer or possession.--A person  
23 who is not a licensed manufacturer shall not sell, transfer or  
24 possess a firearm manufactured or assembled under this section  
25 unless:

26 (1) except as provided in subsection (e), a serial  
27 number and identifying mark for the firearm has been issued  
28 under this section;

29 (2) within 10 days after the issuance, the serial number  
30 and identifying mark is stamped on or otherwise permanently

1 affixed to the firearm;

2 (3) if the firearm is made from polymer plastic, 3.7  
3 ounces of material type 17-4 PH stainless steel, on which the  
4 unique serial number or identifying mark is stamped or  
5 otherwise permanently affixed, are embedded within the  
6 plastic; and

7 (4) Within 48 hours after the serial number provided by  
8 the licensed dealer is engraved or otherwise permanently  
9 affixed to the firearm under paragraph (3), the person shall  
10 notify the licensed dealer that the requirement has been  
11 satisfied with sufficient information to identify the owner  
12 of the firearm, the unique serial number or mark of  
13 identification provided by the licensed dealer and the  
14 firearm.

15 (e) Exception.--Subsection (d)(1) shall not apply to the  
16 transfer, surrender or sale of a firearm to a law enforcement  
17 agency. Any firearms confiscated by law enforcement that do not  
18 bear an engraved serial number or other mark of identification  
19 under this section, or a firearm surrendered, transferred or  
20 sold to a law enforcement agency under this subsection, shall be  
21 destroyed.

22 (f) Penalty.--A person who violates this section commits a  
23 felony of the second degree.

24 (g) Treatment as transfer of firearm.--A request made of a  
25 licensed dealer under subsection (a), (b) or (c) with respect to  
26 a firearm shall be treated as a proposed transfer of the firearm  
27 from the licensed dealer to the applicant for purposes of 18  
28 U.S.C. § 922(t) (relating to unlawful acts) and section 103 of  
29 the Brady Handgun Violence Prevention Act (Public Law 103-159,  
30 107 Stat. 1536), except that the firearms transaction record

1 involved shall indicate that what is being transferred is a  
2 serial number and not a firearm.

3 (h) Fee for each serial number.--A licensed dealer may  
4 charge:

5 (1) an applicant a fee for each serial number and  
6 identifying mark assigned and issued under this section in an  
7 amount that is not more than the actual costs associated with  
8 assigning and issuing the serial number and identifying mark;  
9 and

10 (2) a fee for contacting the National Instant Criminal  
11 Background Check System with respect to the applicant.

12 § 6121.1. Possession of do-it-yourself semiautomatic weapons  
13 prohibited.

14 (a) Offense defined.--It shall be unlawful for any person to  
15 possess, use, control, sell, deliver, transfer or manufacture  
16 the following:

17 (1) A firearm receiver casting or firearm receiver blank  
18 or unfinished handgun frame that:

19 (i) at the point of sale does not meet the  
20 definition of a firearm in 18 U.S.C. § 921(a) (relating  
21 to definitions); and

22 (ii) after purchase by a consumer, can be completed  
23 by the consumer to the point at which the casting or  
24 blank functions as a firearm frame or receiver for a  
25 semiautomatic weapon or machine gun or the frame of a  
26 handgun.

27 (2) A semiautomatic weapon parts kit.

28 (3) A machine gun parts kit.

29 (b) Grading.--An offense under this section constitutes a  
30 felony of the third degree.

1 (c) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Machine gun." As defined in section 5845(b) of the Internal  
5 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

6 "Machine gun parts kit." Any part or combination of parts  
7 designed and intended to enable a consumer who possesses all  
8 necessary parts to assemble a machine gun or convert a firearm  
9 into a machine gun.

10 "Semiautomatic pistol." Any repeating pistol that utilizes a  
11 portion of the energy of a firing cartridge to extract the fixed  
12 cartridge case and chamber the next round and requires a  
13 separate pull of the trigger to fire each cartridge.

14 "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

15 "Semiautomatic shotgun." Any repeating shotgun that utilizes  
16 a portion of the energy of a firing cartridge to extract the  
17 fixed cartridge case and chamber the next round and requires a  
18 separate pull of a trigger to fire each cartridge.

19 "Semiautomatic weapon." The following:

20 (1) a semiautomatic rifle or semiautomatic shotgun that  
21 has the capacity to accept a detachable ammunition-feeding  
22 device; or

23 (2) a semiautomatic pistol that has:

24 (i) the capacity to accept a detachable ammunition-  
25 feeding device; and

26 (ii) any of the following features:

27 (A) an ammunition magazine that attaches to the  
28 pistol outside of the pistol grip;

29 (B) a threaded barrel capable of accepting a  
30 barrel extender, flash suppressor, forward hand grip

1 or silencer unless licensed to do so;

2 (C) a shroud that is attached to or partially or  
3 completely encircles the barrel and that permits the  
4 shooter to hold the firearm with the nontrigger hand  
5 without being burned;

6 (D) a second hand grip;

7 (E) a manufactured weight of 50 ounces or more  
8 when the pistol is unloaded; or

9 (F) a semiautomatic version of an automatic  
10 firearm.

11 "Semiautomatic weapon parts kit." Any part or combination of  
12 parts designed and intended to enable a consumer who possesses  
13 all necessary parts to assemble a semiautomatic weapon.

14 § 7332. Unlawful advertising of do-it-yourself semiautomatic  
15 weapons.

16 (a) Offense defined.--It shall be unlawful to market or  
17 advertise, on any medium of electronic communications, including  
18 over the Internet, for the sale of any of the following:

19 (1) A firearm receiver casting or firearm receiver blank  
20 or unfinished handgun frame that:

21 (i) at the point of sale does not meet the  
22 definition of a firearm in 18 U.S.C. § 921(a) (relating  
23 to definitions); and

24 (ii) After purchase by a consumer, can be completed  
25 by the consumer to the point at which the casting or  
26 blank functions as a firearm frame or receiver for a  
27 semiautomatic weapon or machine gun or the frame of a  
28 handgun.

29 (2) A semiautomatic weapon parts kit.

30 (3) A machine gun parts kit.

1 (b) Grading.--An offense under this section constitutes a  
2 misdemeanor of the second degree.

3 (c) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection unless the context clearly indicates otherwise:

6 "Machine gun." As defined in section 5845(b) of the Internal  
7 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

8 "Machine gun parts kit." Any part or combination of parts  
9 designed and intended to enable a consumer who possesses all  
10 necessary parts to assemble a machine gun or convert a firearm  
11 into a machine gun.

12 "Semiautomatic pistol." Any repeating pistol that utilizes a  
13 portion of the energy of a firing cartridge to extract the fixed  
14 cartridge case and chamber the next round and requires a  
15 separate pull of the trigger to fire each cartridge.

16 "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

17 "Semiautomatic shotgun." Any repeating shotgun that utilizes  
18 a portion of the energy of a firing cartridge to extract the  
19 fixed cartridge case and chamber the next round and requires a  
20 separate pull of a trigger to fire each cartridge.

21 "Semiautomatic weapon." The following:

22 (1) a semiautomatic rifle or semiautomatic shotgun that  
23 has the capacity to accept a detachable ammunition-feeding  
24 device; or

25 (2) a semiautomatic pistol that has:

26 (i) the capacity to accept a detachable ammunition-  
27 feeding device; and

28 (ii) any of the following features:

29 (A) an ammunition magazine that attaches to the  
30 pistol outside of the pistol grip;

1           (B) a threaded barrel capable of accepting a  
2 barrel extender, flash suppressor, forward hand grip  
3 or silencer unless licensed to do so;

4           (C) a shroud that is attached to, or partially  
5 or completely encircles, the barrel and that permits  
6 the shooter to hold the firearm with the nontrigger  
7 hand without being burned;

8           (D) a second hand grip;

9           (E) a manufactured weight of 50 ounces or more  
10 when the pistol is unloaded; or

11           (F) a semiautomatic version of an automatic  
12 firearm.

13       "Semiautomatic weapon parts kit." Any part or combination of  
14 parts designed and intended to enable a consumer who possesses  
15 all necessary parts to assemble a semiautomatic weapon.

16       Section 2. This act shall take effect in 60 days.